THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.4048 of 2006

Dated: 27.12.2007

Between

T.Venkata Ratnam

…Petitioner

And

Employees' State Insurance Corporation,
Regional Office at 5-9-23, Hill Fort Road,
Hyderabad, Andhra Pradesh and two others …Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.4048 of 2006

ORDER:

This writ petition is filed for issuance of writ of *mandamus* declaring the action of the second respondent in issuing the impugned order *vide* No.AP/SRO/VJA/Ins.II/62-16007-101, dated 31.08.2005 and consequently passing attachment orders, as illegal and arbitrary and consequently to set aside the same.

On 02.03.2006, this Court issued rule nisi and in W.P.M.P.No.5045 of 2006 passed the following interim order:

> "Interim stay on condition of the petitioner depositing an amount of Rs.31,500/- (Rupees thirty one thousand five hundred only) before the 2nd respondent within a period of four weeks from today. However, it is made clear that if the petitioner fails to deposit the amount, as indicated above, it is open for the respondents to take steps in accordance with law.
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> Notice."

The learned counsel on record Sri K.V.L.Narasimha Rao representing the petitioner, Sri R.N.Reddy representing respondent Nos. 1 and 2 and Sri K.Chidambaram representing respondent No.3 made submissions at length taking this Court through the respective pleadings of the parties and the stands taken by the parties. Strong reliance was placed on the decision of a Division Bench of this Court reported in **Ashok Leyland Limited, Ductron, Castings Limited, R.R. District v. Deputy Tahsildar/Special Revenue Inspector (ESI), Recovery Cell, Collectorate, R.R. District, Hyderabad**[1].

It is not in serious controversy that the impugned order is an appealable order and an appeal lies against it before the ESI Court under Section 75 of the Employees' State Insurance Act, 1948. It is also stated that inasmuch as the conditional order, dated 02.03.2006, had already been complied with, liberty may be given to the petitioner to invoke the alternative remedy of preferring an appeal.

The deposit made in pursuance of the order of this Court dated 02.03.2006 is hereby recorded and liberty is given to the petitioner to invoke the alternative remedy of appeal within six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

P.S.Narayana, J

Date: 27.12.2007
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[1] 2001 (4) ALD 96 (DB)